



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2900 FAX (603) 271-2456



September 19, 2003

**CERTIFIED MAIL
7099 3400 0002 9774 0368
RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY
No. WMD 03-24**

Minuteman Press
1305 White Mountain Highway
North Conway, New Hampshire 03860

Patrick Kittle, Owner

**Minuteman Press
North Conway, New Hampshire
EPA ID No. NHD986485845**

Dear Mr. Kittle:

On July 16, 2003, the Department of Environmental Services, Waste Management Division (DES) conducted an inspection of Minuteman Press. The purpose of the inspection was to determine Minuteman Press's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection and review of the information provided to DES, the following deficiencies were documented:

1 Env-Wm 502.01 – Hazardous Waste Determination

At the time of the inspection, DES confirmed that Minuteman Press had not performed a hazardous waste determination for the waste fluorescent lamps generated at the facility. DES also verified that the waste lamps were routinely disposed of at the North Conway transfer station facility.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that Minuteman Press test a representative sample of the waste fluorescent lamps for the characteristic of toxicity as defined in Env-Wm 403.06. This analysis should include, at a minimum, RCRA metals, using the Toxicity Characteristic Leaching Procedure (TCLP) Method 1311 found in Test Methods for Evaluating Solid Wastes, SW-846. Please be advised that waste determinations may also be demonstrated by Minuteman Press using knowledge of the hazardous waste constituents or characteristics of the waste, based on the materials or processes used to generate the waste.

Alternatively, Minuteman Press may elect to manage waste lamps as “universal waste” in accordance with Env-Wm 1100. Enclosed please find the DES Environmental Fact Sheet #WMD-HW-7, “Universal Waste Lamps: Management Requirements for Handlers and Transporters”, as well as a DES “Fluorescent Lamp and Ballast Recycling Facility” list to aid you with the determinations.

Minuteman Press will need to provide the results of the hazardous waste determination, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and/or chemical analyses; or information indicating that the lamps are being handled as a universal waste in accordance with Env-Wm 1100, to DES.

2 Env-Wm 504.02(e) – Notification Requirements

At the time of inspection, according to DES notification records, Minuteman Press is owned by Blake Benedict. However, as a result of the inspection DES confirmed that Minuteman Press is owned by Patrick Kittle.

Env-Wm 504.02(e) requires that a generator shall notify DES in writing of any changes to the information required in Env-Wm 504.02(b), including company ownership, within 30 days of the effective date of the change.

DES requests that Minuteman Press submit a subsequent notification form (enclosed) that accurately reflects the change in company ownership.

3 Env-Wm 510.02(d) - Manifest Copy Distribution

At the time of the Inspection, Minuteman Press had not forwarded to DES, copies of the following two (2) manifests:

- (a) Manifest No. MAQ011813, dated 11/09/01; and
- (b) Manifest No. MAQ276175, dated 5/01/03.

Env-Wm 510.02(d) requires that the generator retain one (1) copy of the manifest with signatures, and forward one (1) copy of the manifest with signatures to the destination state and one (1) copy to DES within five (5) days of shipment.

DES requested that Minuteman Press submit copies of the above-listed manifests to DES, and properly retain and distribute manifest copies for future shipments of hazardous waste.

On August 6, 2003, Mr. Patrick Kittle, Owner, submitted copies of Manifest No. MAQ011813 and Manifest No. MAQ276175 to DES. No further action is required.

4 Env-Wm 512.01(a)(1) – Manifest Recordkeeping

At the time of the Inspection, Minuteman Press did not have manifest copies certified by the designated destination facility for the following two (2) manifests:

DES

- (a) Manifest No. MAQ011813, dated 11/09/01; and
- (b) Manifest No. MAQ276175, dated 5/01/03.

Env-Wm 512.01(a)(1) requires generators to keep all manifest copies, including the original generator copy and the copy certified by the designated destination facility for 3 years from the date of signature by the generator.

DES requested that Minuteman Press obtain copies of these manifests signed by the designated destination facility and submit copies of the above-listed manifests to DES. DES also requests that manifests are properly retained and distributed for future shipments of hazardous waste.

On August 6, 2003, Mr. Patrick Kittle submitted copies of Manifest No. MAQ011813 and Manifest No. MAQ276175 to DES. No further action is required.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by Minuteman Press can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Minuteman Press, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may re-inspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows

Kenneth W. Marschner, Administrator
DES/WMD
P.O. Box 95
Concord, New Hampshire 03302-0095

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This report may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.


DES

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at (603) 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The hotline is available Monday through Friday, 8:00 AM to 4:00 PM toll-free at (866) HAZ-WAST (in-state only) or at (603) 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Robert Bishop, or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section, at (603) 271-2942. Thank you for your cooperation.

Sincerely,


Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

cc DB/RCRA/LOD/Archives
Philip J. O'Brien, Ph.D., P.G., Director, WMD
Gretchen Rule, Esq., Administrator, DES Legal Unit

E-mail: JJD/SD/SD/PM

Enclosure: Hazardous Waste Generator Inspection Report
Fact Sheet #WMD-HW-7, "Universal Waste Lamps: Management Requirements for Handlers and Transporters
"Fluorescent Lamp and Ballast Recycling Facility" List
Generator Notification Form